

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

REGINAL LEE DAVIS, :
Petitioner, : Civ. No. 19-9083 (NLH)
v. : MEMORANDUM AND ORDER
THE ATTORNEY GENERAL OF THE :
STATE OF NEW JERSEY, et al., :
Respondents. :
:

IT APPEARING THAT:

1. Petitioner is an inmate currently confined at the Camden County Correctional Facility in Camden, New Jersey, and has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. ECF No. 1.

2. The Court administratively terminated the original petition because Petitioner did not utilize the Court's required form for petitions brought pursuant to 28 U.S.C. § 2254.¹ ECF No. 3. In addition, Petitioner also failed to sign the Petition under penalty of perjury as required² or include a signed

¹ Local Civil Rule 81.2 provides:

Unless prepared by counsel, petitions to this Court for a writ of habeas corpus . . . shall be in writing (legibly handwritten in ink or typewritten), signed by the petitioner or movant, on forms supplied by the Clerk.

Loc. Civ. R. 81.2(a).

² Rule 2(c)(5) of the Rules Governing Section 2254 Cases requires that the petition be signed under penalty of perjury by the petitioner.

certification pursuant to Mason v. Meyers, 208 F.3d 414 (3d Cir. 2000), which requires him to acknowledge that he must include all the grounds for relief from the conviction or sentence in this Petition and if he fails to set forth all the grounds, he may be barred from presenting additional grounds at a later date.

3. Petitioner submitted a response on the civil rights complaint form and in forma pauperis application for civil rights actions.³ ECF No. 11.

4. Petitioner must file an amended petition on the correct habeas form that is signed under penalty of perjury as required and also includes the signed certification on page 17 of the habeas form.

IT IS THEREFORE on this 29th day of April, 2020,
ORDERED that the Clerk of the Court shall reopen this case for purposes of entering this order; and it is further ORDERED that the Clerk shall forward Petitioner a blank habeas petition form-AO 241 (modified):DNJ-Habeas-008(Rev.01-2014), for use by Petitioner; and it is further

³ Petitioner captioned his document as a "Notice of Motion for Leave to Appeal" and indicated he wished to appeal the order denying his in forma pauperis application. ECF No. 11. As such, the submission was initially treated as a notice of appeal to the Third Circuit. ECF No. 12. The Third Circuit dismissed the appeal for lack of jurisdiction. ECF No. 14.

ORDERED that the Clerk shall forward Petitioner a blank in forma pauperis application for habeas cases, DNJ-Pro Se-007-B- (Rev. 09/09); and it is further

ORDERED that, if Petitioner wishes to re-open this action, he shall so notify the Court within 30 days of the date of entry of this Order, in writing addressed to Clerk of the Court, at Mitchell H. Cohen Building and U.S. Courthouse, Fourth and Cooper Streets, Camden, New Jersey, 08101; Petitioner's writing shall include an amended petition on the correct habeas form which is signed under penalty of perjury as required and includes a completed page 17 certifying that the amended petition must include all claims; and it is further

ORDERED that after receipt of any such notification from Petitioner, the Clerk of Court shall REOPEN this matter; and it is finally

ORDERED that the Clerk of the Court shall serve a copy of this Order upon Petitioner by regular U.S. mail and administratively terminate this matter.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.